HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 32606 of 1998

Dated 24th April, 2007

Between

Nazeer Ahmed and ors.

…Petitioner

and

The Commissioner, Nizamabad Municipality, Nizamabad,
And anr

…Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 32606 of 1998

ORDER:

In this Writ Petition, the petitioners seek Writ of Mandamus to declare the action of the respondents in taking steps to demolish the constructions and remove the drainage pipes laid by them in Sy. Nos. 2856, 2853 and 2860 of Habeeb Nagar, Nizamabad as illegal and arbitrary.

It is the case of the petitioners that the petitioners are the absolute owners of the land in the above survey numbers and they divided the said land into various plots for construction of residential buildings and laid drainage pipelines. It is the grievance of the petitioners that though they raised constructions for residential buildings by laying drainage pipe lines as per the rules and

regulations, but, without issuing prior notice and opportunity the respondents are taking steps to demolish the constructions and remove the drainage pipe lines.

At the stage of admission, this Court by order 23-11-1998 granted interim order staying the demolition and the said order continued all along.

Though the Writ Petition is of the year 1998, no counter affidavit is filed on behalf of the respondents.

As much as it is the case of the petitioners that the constructions raised by the petitioners are in their own private land, and, in absence of counter affidavit controverting the said allegation and taking into account the interim order passed by this Court on 23-11-1998, which continued all along, I dispose of the Writ Petition directing the respondents not to take any steps for demolition of the constructions and removal of the drainage pipe lines laid through the land of the petitioners without issuing prior notice and opportunity. It is made clear that if the petitioners have encroached on the road portion or any other land, it is open for the respondents to issue prior notice and take steps in accordance with law.

Subject to the above direction, the Writ Petition is disposed of. No order as to costs.

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JUSTICE R. SUBHASH REDDY

DATE:24-4-2007
Msnr.